



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
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Board Members:
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Stanley J. Grossman, V.P.
Arlene England, D.O.
Jon B. Fiegen
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
F. P. Wedel, D.O.

Executive Director
Jack Confer

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, September 29, 2007

BOARD MEMBERS PRESENT: President David Steinway, D.O., Mr. Stanley Grossman, Arlene England, D.O., Scott Steingard, D.O., Mr. Jon Fiegen

BOARD MEMBERS ABSENT: Mary Ann Picardo, D.O. and F.P. Wedel, D.O. were excused from the meeting.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Kathy Fowkes, Administrative Secretary
Doreen Borgmann, RMR, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:05 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes Aug 11, 2007
- B. Executive Session Minutes Aug 11, 2007

MOTION: Dr. Steinway moved to ACCEPT the minutes as presented. Dr. Steingard seconded. Mr. Grossman requested correction of name with regard to the motion to accept June 2, 2007 minutes. Dr. Steinway accepted amendment to motion.

VOTE: The motion passed unanimously.

4. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Welcome to the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. The Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

P.B., complainant in case no. 3458 which was dismissed by the Board on January 20, 2007, addressed the Board.

4A. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON PROPOSED CONSENT AGREEMENT FOR FINAL RESOLUTION OF CASE #S: 3799, 3861, 3492, 3508, 3529, 3739M, 3748.

Dr. England moved for executive session. Mr. Grossman seconded.

The Board went to Executive Session at 8:10 a.m.
The Board returned to Open Session at 8:27 a.m.

Assistant Attorney General (A.A.G.) Blair Driggs addressed the Board in an advisory capacity regarding the proposed Consent Agreement to resolve all open investigations regarding Dr. Paul Blumberg.

Dr. Paul Blumberg and counsel Thomas Connelly, Esq. and Thomas Marlowe, Esq. were present and sworn in.

3799: Complainant M.F. was present and sworn in. M.F. addressed the Board.
3861: Complainant E.T. was present with Heidi ---, paralegal, and sworn in. E.T. addressed the Board.
3748: Complainant K.Y. was present with Heidi ---, paralegal, and sworn in. K.Y. addressed the Board.
3799: Complainant M.F.'s father was present and sworn in. M.F.'s father addressed the Board.

Mr. Connelly briefly addressed the Board.

Steinway motioned for an executive session. Mr. Grossman seconded.

The Board went to Executive Session at 9:00 a.m.
The Board returned to Open Session at 9:06 a.m.

3799: Dr. Blumberg answered all questions posed by the Board.
3861: Mr. Marlowe and Dr. Blumberg answered all questions posed by the Board.
Mel Shipmen, M.D. was called as an expert witness for the respondent. Dr. Shipmen presented his curriculum vitae to the Board and answered all questions posed by the Board.
3529: Dr. Blumberg answered all questions posed by the Board.

Dr. Steinway addressed the P.A.C.E. review regarding Dr. Blumberg as per a previous Board Order. Dr. Blumberg answered all questions posed by the Board regarding the P.A.C.E. evaluation.

Blair Driggs, A.A.G., answered questions posed by the Board regarding the proposed Consent Agreement for a Decree of Censure and Probation for a period of 2 years.

Dr. Steinway stated that he felt Dr. Blumberg needed to successfully complete a fellowship with the American Academy of Cosmetic Surgery before practicing any cosmetic surgery. Dr. Steingard discussed his concern regarding identification of infection, ability of patients to reach Dr. Blumberg in the event of a problem or concern, and poor record keeping. Dr. Steingard also stated a concern that Dr. Blumberg is Board certified in otorhinolaryngology and not in cosmetic surgery; he expressed discomfort with the idea that Dr. Blumberg is continuing to do cosmetic surgery "below the neck". Dr. England is concerned that his surgical suite is not licensed by the State.

MOTION: Mr. Grossman moved to accept the proposed Consent Agreement for Decree of Censure and Probation with the following additions: that the next 25 breast augmentation or abdominoplasty surgeries in which Dr. Blumberg participates be supervised by a qualified objective cosmetic or plastic surgeon approved by the Executive Director, participate in a two-month approved fellowship with American Academy Cosmetic Surgery, complete 30 hours CONTINUING MEDICAL EDUCATION in infection, bleeding, post-operative complications, and patient communication to be completed within 12 months. Dr. Steinway seconded the motion.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	3	X		X		X		
NO	2		X		X			
ABSTAIN	0							
ABSENT	2						X	X

VOTE: Motion passes 3-2.

Later in the meeting, at 11:55 a.m., Dr. Blumberg and Counsel accepted the Consent Agreement with additions and amendments previously approved by the Board.

The Board recessed at 10:28 a.m.

The Board returned to Open Session at 10:33 a.m.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

A. **Paul Blumberg, D.O.** Case No. 3799 License No. 1597

B. **Paul Blumberg, D.O.** Case No. 3861 License No. 1597

For disposition of agenda items 5A & 5B please see agenda item 4A

C. **David Izenberg, D.O.** Case No. 3814M License No. 2253

The Medical Consultant reviewed the case.

MOTION: Dr. Steingard moved for Investigative Hearing, Mr. Fiegen seconded. After discussion, Dr. Steingard and Mr. Fiegen withdrew the motion.

SECOND MOTION: Dr. Steingard moved for a LETTER OF CONCERN (A.R.S. 6, 38). Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

D. **Megan Machuzak, D.O.** Case No. 3714 License No. 3756

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

E. **Don Cunningham, D.O.** Case No. 3742 License No. 0732

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

F. **Lynne Pirie, D.O.** Case No. 3717 License No. 1878

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

G. **Douglas Cunningham, D.O.** Case No. 3750 License No. 2325

MOTION: Dr. Steingard moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

H. **Jerry Olshan, D.O.** Case No. 3734 License No. 1376

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

I. **Gary Mort, D.O.** Case No. 3889 License No. 1397

Dr. Mort was present and addressed the Board. The Investigator reviewed the case.

FIRST MOTION: Steingard motioned for DISMISSAL. Mr. Grossman seconded.

VOTE: The motion failed 4-1, with Dr. Steinway, Dr. England, Mr. Grossman and Mr. Fiegen dissenting.

SECOND MOTION: Dr. England moved for a LETTER OF CONCERN. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	4	X		X	X	X		
NO	1		X					
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motioned carried 4-1, with Dr. Steingard dissenting.

J. **Larry Stalsonburg, D.O.** Case No. 3810 License No. 3112

Dr. England recused herself prior to discussion of the case.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Fiegen seconded.

VOTE: The motion carried 4-0.

K. **Joshua Ziedler, D.O.** Case No. 3726M License No. 3469

MOTION: Dr. Steingard moved for a LETTER OF CONCERN due to inability to recognize significant illness, with 20 hours of CONTINUING MEDICAL EDUCATION in the area of recognition of neonatal infection. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	3		X	X		X		
NO	2	X			X			
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 3-2, with Dr. Steinway and Mr. Fiegen dissenting.

L. **Donald Maxwell, D.O.** Case No. 3704 License No. 3821

Complainant J.G., was present and addressed the Board.
Scott Schuman, Esq, counsel for Respondent, was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for a DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

M. **Harry Watters, D.O.** Case No. 3896 License No. 1927

Complainant A.H., was present and addressed Board.
Board ordered staff to open a new case to assess additional allegations made by A.H.

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING and Dr. Steingard seconded.

VOTE: The motion carried 4-1, with Dr. England dissenting.

N. **Joy Schechtman, D.O.** Case No. 3740 License No. 2376

Dr. England recused herself prior to discussion of the case.

MOTION: Mr. Grossman moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X			
NO	0							
ABSTAIN	0					X		
ABSENT	2						X	X

VOTE: The motion carried 4-0.

O. **Michael Trainor, D.O.** Case No. 3751 License No. 4039

Complainant S.E., was present and addressed the Board.
Dr. Trainor was present and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

P. **Lillian Puma, D.O.** Case No. 3816 License No. 2836

Dr. Puma was present and answered all questions posed by the Board.

MOTION: Dr. Steinway moved for a DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

Q. **Joel Mascaro, D.O.** Case No. 3832 License No. 3250

MOTION: Dr. Steingard moved for a DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

R. **Vincente Bernabe, D.O.** Case No. 3678M License No. 3406

MOTION: Mr. Grossman moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

S. **Ajaz Rahaman, D.O.** Case No. 3733 License No. 3434

MOTION: Dr. Steingard moved for a DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

T. **Marvin Borsand, D.O.** Case No. 3880 License No. 2261

MOTION: Dr. Steingard moved for a DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

U. **Michael Sheehy, D.O.** Case No. 3838 License No. 4241

MOTION: Mr. Grossman moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	4		X	X	X	X		
NO	1	X						
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 4-1, with Dr. Steinway dissenting.

V. **Kumar Daulat, D.O.** Case No. 3867 License No. 2635

MOTION: Dr. Steingard moved for a DISMISSAL. Dr. Steinway seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

W. **John Strobl, D.O.** Case No. 3882 License No. 2394

MOTION: Dr. Steingard moved for a DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

X. **William Schneider, D.O.** Case No. 3760 License No. 2876

MOTION: Mr. Grossman moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

Y. **David Hatfield, D.O.** Case No. 3753 License No. 2913

MOTION: Dr. Steinway moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion carried 5-0.

Z. **Craig Mechelke, D.O.**

Case No. 3636M

License No. 1673

MOTION: Dr. Steinway moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

AA. **Vardges Vandian, D.O.**

Case No. 3879

License No. 4323

MOTION: Dr. Steingard moved for a DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

BB. **Carmen Alfonso, D.O.**

Case No. 3736

License No. 3004

MOTION: Dr. Steingard moved for a DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

CC. **Jack Bouchier, D.O.**

Case No. 3884

License No. 0800

MOTION: Dr. England moved for a DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5		X		X	X		
NO	0	X		X				
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 3-2, with Dr. Steinway and Mr. Grossman dissenting.

The Board recessed at 1:00 p.m.

The Board returned to Open Session at 1:32 p.m.

DD. **Joseph Janzer, D.O.** Case No. 3788 License No. 4221

Medical Consultant Barbara Prah-Wix reviewed the case.

MOTION: Mr. Fiegen moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion carried 3-2 with Dr. England and Dr. Steinway dissenting.

Board directed Staff to subpoena Dr. Janzer to appear for a deposition.

6. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. **Hesham Sahawneh, D.O.** Case No. 3300 License No. 3194

Dr. Sahawneh was present with counsel, Mr. Myers, and answered all questions posed by the Board.

MOTION: Dr. Steingard moved to not incur any further Continuing Medical Education or P.A.C.E. II evaluation. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	4		X	X	X	X		
NO	1	X						
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 4-1, with Dr. Steinway dissenting.

B. **Linda Davis, D.O.** Case No. 3844 License No. 4555

Dr. Davis was present with counsel requested a termination of probation. Dr. Davis answered all questions posed by the Board.

MOTION: Dr. Steinway moved to take no action at this time and continue with probation as it currently stands. Mr. Grossman seconded.

VOTE: The motion carried 5-0.

C. **Edward Shapiro, D.O.** Case No. 3582 License No. 2847

Dr. Shapiro was present and sworn in. Dr. Shapiro addressed the Board.

MOTION: Dr. Steingard moved to remove term 2 of the Amended Probationary Order issued May 2, 2007. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

6A. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON PROPOSED CONSENT AGREEMENT FOR FINAL RESOLUTION OF CASE#: 3784

Dr. Mickle was present and addressed the Board. Mr. Crawford was present as counsel for the respondent. A.A.G. Blair Driggs, in an advisory capacity for the Board, reviewed the proposed consent agreement. The Board discussed the case and Dr. Mickle and Mr. Crawford answered all questions posed by the Board.

MOTION: Dr. England moved not to accept the proposed consent agreement, and to continue the interim consent agreement currently in place until the scheduled Investigative Hearing. Also, as clarification, Dr. Mickle may practice medical ENT and act as a surgical assistant, but cannot act as lead surgeon or use a scalpel. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

7. **REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

A. **Charles Lindsay, D.O.** Case No. 3399 License No. 0793

Dr. Lindsay was present and sworn in. The Executive Director summarized the case. The Board discussed the case and Dr. Lindsay answered all questions posed by the Board.

MOTION: Dr. England moved for a DISMISSAL. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	3		X		X	X		
NO	2	X		X				
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 3-2, with Dr. Steinway and Dr. Grossman dissenting.

B. **Richard Bruce, D.O.** Case No. 3836 License No. 1087

The complainant, C.W., and C.W.'s witness were present and sworn in. Dr. Bruce was present and sworn in. Craig Martin, Esq. was present as counsel for the respondent. The Investigator summarized the case. C.W. and C.W.'s witness addressed the Board. David Ian Bruce, D.O. was called as a witness for the respondent. Mrs. Beth Bruce was present and sworn in as a witness for the respondent.

MOTION: Dr. England moved for a DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	4	X	X	X		X		
NO	1				X			
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 4-1, with Mr. Fiegen dissenting.

C. **Richard Mickle, D.O.** Case No. 3784 License No. 2767

See Agenda item 6A.

D. **Paul Blumberg, D.O.** Case No. 3492 License No. 1597
E. **Paul Blumberg, D.O.** Case No. 3508 License No. 1597
F. **Paul Blumberg, D.O.** Case No. 3529 License No. 1597
G. **Paul Blumberg, D.O.** Case No. 3739M License No. 1597
H. **Paul Blumberg, D.O.** Case No. 3748 License No. 1597

Agenda items 7D-H: See 4A for final disposition of these cases.

I. **E.Griffin Cipolla, D.O.** Case No. 3835 License No. 2811

Dr. Cipolla was present and addressed the Board. Brett Delo, Esq was present as counsel for the respondent. The Deputy Director summarized the case and the Executive Director presented a proposed Consent Agreement with one year Probation for consideration of the Board. The Board discussed the case and Dr. Cipolla and Mr. Delo answered all questions posed by the Board.

FIRST MOTION: Dr. England moved to accept the proposed consent agreement. Mr. Grossman seconded. After discussion, Dr. England and Mr. Grossman withdrew the motion.

SECOND MOTION: Dr. Steingard moved to amend the proposed consent agreement to include psychiatric evaluation and treatment with psychiatrist approved by the Board in addition to psychological therapy, 20 hrs CONTINUING MEDICAL EDUCATION in the area of ethics, if possible to be specific to patient records/HIPPA, to be completed within 6 months. Mr. Grossman seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

Dr. Cipolla accepted the amended consent agreement for Probation.

J. **Gerald Roth, D.O.** Case No. 3868 License No. 2224

Dr. Steinway directed to table the case for further investigation.

K. POSTPONED
L. POSTPONED
M. POSTPONED

N. **Lynn Sweet, D.O.** Case No. 3723 License No. 3246

Dr. Sweet did not appear for the hearing.

FIRST MOTION: Dr. Steingard moved to vote this case back to Case Review status. Mr. Grossman seconded.

VOTE: The motion carried 5-0.

MOTION: Dr. Steingard moved for a LETTER OF CONCERN for inappropriate prescribing and inadequate supervision of staff, with 20 hours of CONTINUING MEDICAL EDUCATION in the area of pain management, and to send to the Physician Assistants Board. Dr. England seconded.

	Vote	Dr. Steinway	Dr. Steingard	Mr. Grossman	Mr. Fiegen	Dr. England	Dr. Wedel	Dr. Picardo
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

VOTE: The motion carried 5-0.

- O. POSTPONED
- P. POSTPONED

8. REVIEW, DISCUSSION AND APPROVAL OF PROPOSED CONSENT AGREEMENT

- A. **Jeremy Wray, D.O.** Case No. 3947 License No. 3638

The Deputy Director summarized the case for the Board. The case was tabled for further investigation.

9. CORRESPONDENCE WITH THE BOARD

- A. Attorney Bruce Crawford for Cynthia Barry, D.O.

Dr. Barry's concern which was presented by Staff, and was discussed by the Board. No further action was taken.

- B. Governor's Office of Constituent Services, #31755

- C. Letter from Robert W. Gresens, D.O.

The Board discussed the letter received and directed Staff to reply that the appropriate action has been taken.

- D. Letter from Edward Reineberg, M.D.

The Board discussed the letter received and directed Staff to reply that the appropriate action has been taken.

CALL TO THE PUBLIC

Marvin Borsand, D.O. addressed the Board regarding the guidelines for Cosmetic Surgeons which are currently available on the Arizona Medical Board's website at www.azmd.gov. He also offered a monograph regarding the difference between cosmetic and plastic surgeons.

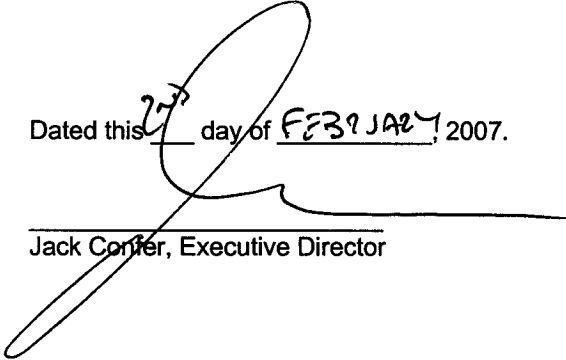
Paul Steingard, D.O. addressed the Board with a request for the Board to determine guidelines for the time of year that flu vaccines are given. He stated that flu vaccines are being started directly after Labor Day, as opposed to standard of care recommended start time of October. He stated that CDC recommends flu vaccines to be given in October and later, and before that only in special circumstances such as international travel. The Board directed Staff to discover standard of care with regard to flu vaccinations.

10. EXECUTIVE DIRECTOR REPORT

- A. **Financial Report**
The Executive Director presented report to the Board and answered questions posed by the Board.
- B. **Budget**
The Executive Director presented report to the Board and answered questions posed by the Board.
- MOTION:** Dr. Steingard moved to accept the budget as presented. Mr. Grossman seconded.
- VOTE:** Motion carried 5-0.
- C. **Performance Measures**
The Executive Director presented report to the Board and answered questions posed by the Board.
- D. **Surgical Assistant Legislation**
The Executive Director presented report to the Board.
- E. **Homeopathic Board Audit**
The Executive Director presented report to the Board.
- F. **MICA Newsletter Article "AMB, Investigative Materials, Confidentiality, and MICA"**
This article was discussed by the Board.
- G. **Update Internal Contact List of Board Members and Staff**
- H. **Board Training: Open Meeting Law & Related Topics**
This item was tabled.

ADJOURNMENT

Dated this 27 day of FEBRUARY, 2007.



Jack Confer, Executive Director